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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA :
:
- v. - :
TOMER BARGIG, :
Defendant. :
- - - - - x

SEALED INFORMATION

17 CRIM 687

JUDGE SULLIVAN

COUNT ONE

(Conspiracy to Commit Access Device Fraud)

The United States Attorney charges:

1. From at least in or about February 2016 up to and including at least in or about May 2016, in the Southern District of New York and elsewhere, TOMER BARGIG, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit access device fraud, in violation of Title 18, United States Code, Section 1029(a)(5).

2. It was a part and object of the conspiracy that TOMER BARGIG, the defendant, and others known and unknown, knowingly and with intent to defraud, as part of an offense affecting interstate and foreign commerce, effected transactions, with one and more access devices issued to another person or persons, to receive payment and any other thing of value during any one-year period the aggregate value of which was equal to and greater than \$1,000,

in violation of Title 18, United States Code, Section 1029(a)(5).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about February 22, 2016, TOMER BARGIG, the defendant, used his merchant PayPal account to charge the credit card number belonging to another person and then transferred the full amount of that charge to another person who was not the cardholder.

(Title 18, United States Code, Sections 1029(a)(5) and (b)(2).)

COUNT TWO

(Access Device Fraud)

The United States Attorney further charges:

4. From at least in or about February 2016 up to and including at least on or about May 2016, in the Southern District of New York and elsewhere, TOMER BARGIG, the defendant, knowingly and with intent to defraud, as part of an offense affecting interstate and foreign commerce, attempted to and did effect transactions, with one and more access devices issued to another person or persons, to receive payment and any other thing of value during any one-year period the aggregate value of which was equal to and greater than \$1,000, to wit, BARGIG charged credit cards belonging to others and then refunded those charges to another

person.

(Title 18, United States Code, Sections 1029(a)(5),
(b)(1), and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the offenses alleged in Counts One and Two of this Information, TOMER BARGIG, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, and any and all personal property used or intended to be used to commit said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

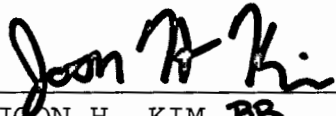
b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 982 and 1029; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



JOON H. KIM BB
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INFORMATION

17 Cr.

(18 U.S.C. §§ 1029(a)(5), (b)(1),
(b)(2), and 2.)

JOON H. KIM
Acting United States Attorney
